



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

July 11, 1962

Honorable Bradley Miles
County Attorney
Taylor County
Abilene, Texas

Opinion No. WW-1373

Re: Group Life Insurance for
County Officials and Employees.

Dear Mr. Miles:

Your predecessor in office has requested an opinion of this office relating to group life insurance for County officials and employees, and we quote the following excerpt from that request:

"Taylor County, in March of 1959, entered into a Group Life Insurance Policy with a Company by and through its Commissioners' Court. All the necessary requisites as to the provisions of the policy, the beneficiaries, etc., were met. My question was whether or not Taylor County could enter into a contract for a group of its Officials and Employees?"

The pertinent provisions of the Texas Insurance Code are the following portions of Articles 3.50 (Group Life Insurance) and 3.51 (Group Insurance for Employees of State and Its Subdivisions and College and School Employees).

Article 3.50:

"Sec. 1. Definitions. - No policy of group life insurance shall be delivered in this State unless it conforms to one of the following descriptions:

"(1) a policy issued to an employer, . . . which employer . . . shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer, . . .

". . .

"(3) A policy issued to any association of employees of the United States Government or . . . any association of . . . county employees, and any association of any

combination of state, county or city, town or village employees. . . to insure the . . . members of any association of . . . county . . . employees . . ."

Article 3.51:

"Sec. 1. (a) The State of Texas and each of its political, governmental and administrative subdivisions . . . are authorized to procure contracts insuring their respective employees . . . under a policy or policies of group health, accident, accidental death and dismemberment, and hospital, surgical, and/or medical expense insurance . . ."

"Sec. 2. All group insurance contracts effected pursuant hereto shall conform and be subject to all the provisions of any existing or future laws concerning group insurance."

Although a county is an 'employer' with respect to its 'employees' it is not so with respect to its 'officials'; in any event the general language of Article 3.50 is limited by the specific language in Article 3.51, limiting the types of group insurance for which a county is authorized to contract. Article 3.51 does not, it should be noted, include life insurance.

In addition to this apparent prohibition in Articles 3.50 and 3.51 against a county's entering into such a contract for life insurance, there is no specific affirmative grant of the power to make such a contract in either the Constitution or the statutes of Texas, and the powers of a county are, of course, limited to those specifically granted or necessarily implied from other powers specifically granted.

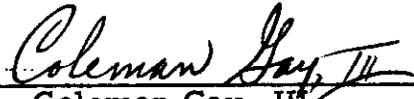
Finally, aside from its status as a municipal corporation, it is unlikely that there exists in the absence of statute an insurable interest in its officials and employees on the part of the County. See, e.g., Cheeves v. Anders, 87 Tex. 287, 28 S.W. 274 (1894).

SUMMARY

A County is not authorized to contract for group life insurance on the lives of its officials and employees.

Yours very truly,

WILL WILSON
Attorney General of Texas

By- 
Coleman Gay, III
Assistant

CG:lmc

APPROVED:

OPINION COMMITTEE:
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Dudley D. McCalla
Howard Mays
Winston Crowder
J. C. Davis

REVIEWED FOR THE ATTORNEY GENERAL

BY: Leonard Passmore